

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 05-cv-10112

United States of America

v.

The Commonwealth of Massachusetts

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I & II document #77 are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 9/7/2006.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on September 22, 2006.

Sarah A Thornton, Clerk of Court

By: 

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 9/25/06


Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:05-cv-10112-JLT**

United States of America et al v. The
Commonwealth of Massachusetts et al
Assigned to: Judge Joseph L. Tauro
Demand: \$1,000,000
Cause: JS 44 Sec. IV - no matching citation
currently in database

Date Filed: 01/18/2005
Jury Demand: Plaintiff
Nature of Suit: 950 Constitutional
- State Statute
Jurisdiction: U.S. Government
Plaintiff

Intervenor Plaintiff

**American Waterways
Operators International
Association of Independent
Tanker Owners**

represented by **Andrew J. Hachey**
Nixon Peabody LLP (BOS)
100 Summer Street
Boston, MA 02110
617-345-1034
Fax: 866-891-9579
Email:
ahachey@nixonpeabody.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

C. Jonathan Benner
Troutman Sanders LLP
Suite 1000
401 9th Street, N.W.
Washington, DC 20004
US
202-274-2880
Fax: 202-654-5647
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

George J. Skelly
Nixon Peabody LLP
26th Floor
100 Summer Street
Boston, MA 02108
617-345-1000

Email:
gskelly@nixonpeabody.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sean T. Connaughton
Troutman Sanders LLP
Suite 1000
401 9th Street
Washington, DC 20004
US
202-274-2880
Fax: 202-654-5647
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Plaintiff

BIMCO

represented by **Andrew J. Hachey**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

C. Jonathan Benner
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

George J. Skelly
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sean T. Connaughton
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Plaintiff

**Chamber of Shipping of
America**

represented by **Andrew J. Hachey**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

C. Jonathan Benner
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

George J. Skelly
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sean T. Connaughton
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

United States of America

represented by **Steven Y. Bressler**
U.S. Department of Justice
Civil Division
PO Box 833
Washington, DC 20044
202-514-4781
Fax: 202-318-7609
Email: steven.bressler@usdoj.gov

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**The Commonwealth of
Massachusetts**

represented by **Pierce O. Cray**
Attorney General's Office
Room 2019
One Ashburton Place
Boston, MA 02108-1698
617-727-2200 x 2084
Fax: 617-727-5785
Email:
Pierce.Cray@ago.state.ma.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Nora J. Chorover

Massachusetts Attorney General's
Office

One Ashburton Place

McCormack Building, 20th floor

Boston, MA 02108-1598

617-727-2200

TERMINATED: 05/16/2006

ATTORNEY TO BE NOTICED

Defendant

**The Massachusetts Department
of Environmental Protection**

represented by **Pierce O. Cray**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Nora J. Chorover

(See above for address)

TERMINATED: 05/16/2006

ATTORNEY TO BE NOTICED

Defendant

Governor Mitt Romney
*in his capacity as Governor of
Massachusetts*

represented by **Pierce O. Cray**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Nora J. Chorover

(See above for address)

TERMINATED: 05/16/2006

ATTORNEY TO BE NOTICED

Defendant

Robert W. Golledge, Jr.
*in his capacity as Commissioner
of the Massachusetts Department
of Environmental Protection*

represented by **Pierce O. Cray**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Nora J. Chorover

(See above for address)

TERMINATED: 05/16/2006

ATTORNEY TO BE NOTICED

Intervenor Defendant

Coalition For Buzzards Bay

represented by **Jonathan M. Ettinger**
Foley Hoag LLP
155 Seaport Boulevard
Boston, MA 02210-2600
617-832-1000
Fax: 617-832-7000
Email: jettinger@foleyhoag.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amicus

Amici Curiae

represented by **Philip N. Beauregard**
Beauregard, Burke & Franco
32 William Street
New Bedford, MA 02740
508-993-0333
Fax: 508-990-2045
Email: bbf.robeson@verizon.net
ATTORNEY TO BE NOTICED

Interested Party

Save the Bay

represented by **Karen Augeri Benson**
Law Office of Allan A. Amaral
251 Bank Street
Fall River, MA 02720
508-676-0011
Fax: 508-676-9908
Email:
kabenson@fallriverattorneys.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

S. Paul Ryan
Law Office of S. Paul Ryan
670 Willett Avenue
East Providence, RI 02915
401-437-0660
Fax: 401-437-0128
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Wendy A. Waller
Lepizzera & Laprocina

980 Washington Street
Suite 218
Dedham, MA 02026
401-272-3540 x122
Fax: 401-273-7153
Email: wwaller@savebay.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

**The Commonwealth of
Massachusetts**

represented by **Nora J. Chorover**
(See above for address)
TERMINATED: 05/16/2006
ATTORNEY TO BE NOTICED

Counter Claimant

**The Massachusetts Department
of Environmental Protection**

represented by **Nora J. Chorover**
(See above for address)
TERMINATED: 05/16/2006
ATTORNEY TO BE NOTICED

Counter Claimant

Governor Mitt Romney
*in his capacity as Governor of
Massachusetts*

represented by **Nora J. Chorover**
(See above for address)
TERMINATED: 05/16/2006
ATTORNEY TO BE NOTICED

Counter Claimant

Robert W. Golledge, Jr.
*in his capacity as Commissioner
of the Massachusetts Department
of Environmental Protection*

represented by **Nora J. Chorover**
(See above for address)
TERMINATED: 05/16/2006
ATTORNEY TO BE NOTICED

V.

Counter Defendant

United States Coast Guard

Counter Defendant

**United States Department of
Homeland Security**

Counter Claimant

Coalition For Buzzards Bayrepresented by **Jonathan M. Ettinger**

(See above for address)

ATTORNEY TO BE NOTICED

V.

Counter Defendant**United States Coast Guard****Counter Defendant****United States Department of
Homeland Security**

Date Filed	#	Docket Text
01/18/2005	<u>1</u>	COMPLAINT for Declaratory and Injunctive Relief against all defendants Filing fee: \$ 0., filed by United States of America. (Attachments: # <u>1</u> Category Sheet# <u>2</u> Civil Cover Sheet) (Abaid, Kim) (Entered: 01/19/2005)
01/18/2005	<u>2</u>	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to the New Magistrate Judge. (Abaid, Kim) (Entered: 01/19/2005)
01/18/2005	<u>3</u>	Summons Issued as to The Commonwealth of Massachusetts, The Massachusetts Department of Environmental Protection, Mitt Romney, Robert W. Golledge, Jr. (Abaid, Kim) (Entered: 01/19/2005)
02/09/2005	<u>2</u>	WAIVER OF SERVICE Returned Executed The Commonwealth of Massachusetts waiver sent on 1/21/2005, answer due 3/22/2005. (Bressler, Steven) (Entered: 02/09/2005)
02/09/2005	<u>3</u>	WAIVER OF SERVICE Returned Executed The Massachusetts Department of Environmental Protection waiver sent on 1/21/2005, answer due 3/22/2005. (Bressler, Steven) (Entered: 02/09/2005)
02/09/2005	<u>4</u>	WAIVER OF SERVICE Returned Executed Mitt Romney waiver sent on 1/28/2005, answer due 3/29/2005. (Bressler, Steven) (Entered: 02/09/2005)
02/09/2005	<u>5</u>	WAIVER OF SERVICE Returned Executed Robert W.

		Golledge, Jr waiver sent on 1/28/2005, answer due 3/29/2005. (Bressler, Steven) (Entered: 02/09/2005)
03/08/2005	<u>6</u>	MOTION to Intervene by American Waterways Operators International Association of Independent Tanker Owners, BIMCO, Chamber of Shipping of America. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4# <u>5</u> Exhibit 5) (Abaid, Kim) (Entered: 03/14/2005)
03/08/2005	<u>7</u>	CORPORATE DISCLOSURE STATEMENT by American Waterways Operators International Association of Independent Tanker Owners, BIMCO, Chamber of Shipping of America. (Abaid, Kim) (Entered: 03/14/2005)
03/08/2005	<u>8</u>	MEMORANDUM in Support re <u>6</u> MOTION to Intervene filed by American Waterways Operators International Association of Independent Tanker Owners, BIMCO, Chamber of Shipping of America. (Abaid, Kim) (Entered: 03/14/2005)
03/14/2005	<u>9</u>	AFFIDAVIT of Soren Larsen by BIMCO. (Abaid, Kim) (Entered: 03/15/2005)
03/22/2005	<u>10</u>	NOTICE of Appearance by Pierce O. Cray on behalf of The Commonwealth of Massachusetts, The Massachusetts Department of Environmental Protection, Mitt Romney, Robert W. Golledge, Jr (Abaid, Kim) (Entered: 03/22/2005)
03/22/2005	<u>11</u>	ANSWER to Complaint by The Commonwealth of Massachusetts, The Massachusetts Department of Environmental Protection, Mitt Romney, Robert W. Golledge, Jr.(Abaid, Kim) (Entered: 03/22/2005)
03/31/2005	<u>12</u>	MOTION to Intervene (<i>Unopposed Motion Of The Coalition For Buzzards Bay For Leave To Intervene</i>) with [<i>Proposed</i>] Order and Answer Of The Coalition For Buzzards Bay To Plaintiff United States Of America's Complaint by Coalition For Buzzards Bay.(Ettinger, Jonathan) (Entered: 03/31/2005)
03/31/2005	<u>13</u>	MEMORANDUM in Support re <u>12</u> MOTION to Intervene (<i>Unopposed Motion Of The Coalition For Buzzards Bay For Leave To Intervene</i>) with [<i>Proposed</i>] Order and Answer Of The Coalition For Buzzards Bay To Plaintiff United States Of America's Complaint filed by Coalition For Buzzards Bay. (Ettinger, Jonathan) (Entered: 03/31/2005)
03/31/2005	<u>14</u>	AFFIDAVIT of Mark Rasmussen in Support re <u>12</u> MOTION to Intervene (<i>Unopposed Motion Of The Coalition For</i>

		<i>Buzzards Bay For Leave To Intervene) with [Proposed] Order and Answer Of The Coalition For Buzzards Bay To Plaintiff United States Of America's Complaint</i> filed by Coalition For Buzzards Bay. (Ettinger, Jonathan) (Entered: 03/31/2005)
04/01/2005	15	NOTICE of Appearance by Nora J. Chorover on behalf of The Commonwealth of Massachusetts, The Massachusetts Department of Environmental Protection, Mitt Romney, Robert W. Golledge, Jr (Chorover, Nora) (Entered: 04/01/2005)
04/11/2005	16	AMENDED ANSWER to <u>1</u> Complaint, COUNTERCLAIM against United States Coast Guard, United States Department of Homeland Security by The Commonwealth of Massachusetts, The Massachusetts Department of Environmental Protection, Mitt Romney, Robert W. Golledge, Jr. (Abaid, Kim) (Entered: 04/12/2005)
04/20/2005		Judge Joseph L. Tauro : Electronic ORDER entered granting <u>12</u> Motion to Intervene (Abaid, Kim) (Entered: 04/21/2005)
04/20/2005	17	Judge Joseph L. Tauro : ORDER entered. The Unopposed Motion for Leave to Intervene as defendants in this proceeding filed by The Coalition for Buzzards Bay on March 31, 2005 is ALLOWED. The Coalition's Answer, which was attached to its Motion for Leave to Intervene shall be deemed filed.(Abaid, Kim) (Entered: 04/21/2005)
04/20/2005	18	ANSWER to Complaint by Coalition For Buzzards Bay. (Abaid, Kim) (Entered: 04/21/2005)
04/21/2005		Notice of correction to docket made by Court staff. Correction: Electronic Order dated 04-21-2005 corrected because: The order that was attached should have been attached to 18, changed numbers of following docket entries to reflect the number removal of the electronic order. (Abaid, Kim) (Entered: 04/21/2005)
04/22/2005		Judge Joseph L. Tauro : Electronic ORDER entered granting <u>6</u> Motion to Intervene (Abaid, Kim) (Entered: 05/04/2005)
05/03/2005		Electronic Notice of correction to docket made by Court staff. Attorney Ettinger's account updated to receive e-mail notices. (Hurley, Virginia) (Entered: 05/03/2005)
05/03/2005		Second Notice of correction to docket made by Court staff. Attorney Ettinger's account modified again to receive notice.

		(Hurley, Virginia) (Entered: 05/03/2005)
05/05/2005	<u>19</u>	Intervenor COMPLAINT <i>for Declaratory and Injunctive Relief</i> , filed by American Waterways Operators International Association of Independent Tanker Owners, BIMCO, Chamber of Shipping of America.(Hachey, Andrew) (Entered: 05/05/2005)
05/11/2005	<u>20</u>	AMENDED ANSWER to Complaint, COUNTERCLAIM against United States Coast Guard, United States Department of Homeland Security by Coalition For Buzzards Bay.(Abaid, Kim) (Entered: 05/12/2005)
05/12/2005	<u>20</u>	Notice of correction to docket made by Court staff. Correction: Docket entry 20. corrected because: Re-entered to include Counterclaim. (Abaid, Kim) (Entered: 05/12/2005)
05/16/2005	<u>21</u>	Unopposed MOTION for Leave to File Excess Pages <i>for All Parties, in Support of, or in Opposition to, Plaintiff's Motion for Judgment on the Pleadings</i> , by United States of America. (Attachments: # <u>1</u> Text of Proposed Order)(Bressler, Steven) Modified on 5/17/2005 (Abaid, Kim). (Entered: 05/16/2005)
05/17/2005	<u>21</u>	Judge Joseph L. Tauro : Electronic ORDER entered granting <u>21</u> Motion for Leave to File Excess Pages (Abaid, Kim) (Entered: 05/17/2005)
05/23/2005	<u>22</u>	MOTION for Judgment on the Pleadings by United States of America. Bressler, Steven) Modified on 5/24/2005 (Abaid, Kim). (Entered: 05/23/2005)
05/23/2005	<u>23</u>	MOTION for Summary Judgment <i>on Defendants' Counterclaim</i> by United States of America. (Attachments: # (1) Exhibit Declaration of W. Douglas Rabe, and Exhibit 1 Thereto)(Bressler, Steven) Modified on 5/24/2005 (Abaid, Kim). (Entered: 05/23/2005)
05/23/2005	<u>24</u>	MEMORANDUM in Support re <u>22</u> MOTION for Judgment on the Pleadings filed by United States of America. (Abaid, Kim) (Entered: 05/24/2005)
05/23/2005	<u>25</u>	MEMORANDUM in Support re <u>23</u> MOTION for Summary Judgment <i>on Defendants' Counterclaim</i> filed by United States of America. (Abaid, Kim) (Entered: 05/24/2005)
05/23/2005	<u>26</u>	STATEMENT of Material Facts as to Which There is No Genuine Dispute. (Abaid, Kim) (Entered: 05/24/2005)

05/24/2005	22	Notice of correction to docket made by Court staff. Correction: Docket Entries 22-26 corrected because: Attachments to documents should be exhibits. Memorandum of Law and Statement of Facts should be their own entries. Removed from the Motions and entered them separately. (Abaid, Kim) (Entered: 05/24/2005)
05/25/2005	27	ANSWER to Intervenor Complaint by Mitt Romney, Robert W. Golledge, Jr.(Abaid, Kim) (Entered: 05/25/2005)
06/02/2005	28	Joint MOTION for Extension of Time to June 29, 2005 to File Response/Reply (<i>Unopposed Motion to Enlarge Time to Respond to Motions of the United States and Intervenor-Plaintiffs</i>) by The Commonwealth of Massachusetts, Coalition For Buzzards Bay, The Massachusetts Department of Environmental Protection, The Commonwealth of Massachusetts, The Massachusetts Department of Environmental Protection, Mitt Romney, Mitt Romney, Robert W. Golledge, Jr, Robert W. Golledge, Jr, Coalition For Buzzards Bay.(Ettinger, Jonathan) (Entered: 06/02/2005)
06/06/2005		Judge Joseph L. Tauro : Electronic ORDER entered granting <u>28</u> Motion for Extension of Time to File Response/Reply re <u>28</u> Joint MOTION for Extension of Time to June 29, 2005 to File Response/Reply (<i>Unopposed Motion to Enlarge Time to Respond to Motions of the United States and Intervenor-Plaintiffs</i>) (Lovett, Zita) (Entered: 06/06/2005)
06/23/2005	29	MOTION for Judgment on the Pleadings by American Waterways Operators International Association of Independent Tanker Owners, BIMCO, Chamber of Shipping of America. (Hachey, Andrew) (Entered: 06/23/2005)
06/23/2005	30	MEMORANDUM in Support re <u>29</u> MOTION for Judgment on the Pleadings filed by American Waterways Operators International Association of Independent Tanker Owners, BIMCO, Chamber of Shipping of America. (Hachey, Andrew) (Entered: 06/23/2005)
06/24/2005	31	Joint MOTION for Extension of Time to July 22, 2005 to File Oppositions to Plaintiff's Motion for Judgment on the Pleadings, Plaintiff's Motion for Summary Judgment and Intervenor-Plaintiff's Motion for Judgment on the Pleadings by The Commonwealth of Massachusetts, Coalition For Buzzards Bay, The Massachusetts Department of Environmental

		Protection, The Commonwealth of Massachusetts, The Massachusetts Department of Environmental Protection, Mitt Romney, Mitt Romney, Robert W. Golledge, Jr, Robert W. Golledge, Jr, Coalition For Buzzards Bay.(Ettinger, Jonathan) (Entered: 06/24/2005)
06/27/2005	<u>32</u>	Opposition re <u>31</u> Joint MOTION for Extension of Time to July 22, 2005 to File Oppositions to Plaintiff's Motion for Judgment on the Pleadings, Plaintiff's Motion for Summary Judgment and Intervenor-Plaintiff's Motion for Judgment on the Pleadings , <i>in part</i> , filed by United States of America. (Bressler, Steven) (Entered: 06/27/2005)
06/27/2005	<u>33</u>	Joint MOTION for Extension of Time - <i>Unopposed Motion to Extend Time to File Responses to United States' Motion for Summary Judgment to 7/12/2005 and to Motions for Judgment on the Pleadings to 7/15/2005</i> by The Commonwealth of Massachusetts, Coalition For Buzzards Bay, The Massachusetts Department of Environmental Protection, The Commonwealth of Massachusetts, The Massachusetts Department of Environmental Protection, Mitt Romney, Mitt Romney, Robert W. Golledge, Jr, Robert W. Golledge, Jr, Coalition For Buzzards Bay.(Ettinger, Jonathan) (Entered: 06/27/2005)
06/28/2005	<u>33</u>	Judge Joseph L. Tauro : Electronic ORDER entered granting <u>33</u> Motion for Extension of Time (Lovett, Zita) (Entered: 06/28/2005)
06/28/2005	<u>33</u>	Judge Joseph L. Tauro : Electronic ORDER entered finding as moot <u>31</u> Motion for Extension of Time (Lovett, Zita) (Entered: 06/28/2005)
07/12/2005	<u>34</u>	Cross MOTION for Summary Judgment <i>on State Defendants' Counterclaim</i> by The Commonwealth of Massachusetts, The Massachusetts Department of Environmental Protection, The Commonwealth of Massachusetts, The Massachusetts Department of Environmental Protection, Mitt Romney, Mitt Romney, Robert W. Golledge, Jr, Robert W. Golledge, Jr. (Chorover, Nora) (Entered: 07/12/2005)
07/12/2005	<u>35</u>	MEMORANDUM in Opposition re <u>23</u> MOTION for Summary Judgment <i>on Defendants' Counterclaim and in Support of State Defendants' Cross Motion for Summary Judgment on their Counterclaim</i> filed by The Commonwealth

		of Massachusetts, The Massachusetts Department of Environmental Protection, The Commonwealth of Massachusetts, The Massachusetts Department of Environmental Protection, Mitt Romney, Mitt Romney, Robert W. Golledge, Jr, Robert W. Golledge, Jr. (Chorover, Nora) (Entered: 07/12/2005)
07/12/2005	<u>36</u>	AFFIDAVIT of Nora J. Chorover in Opposition re <u>23</u> MOTION for Summary Judgment <i>on Defendants' Counterclaim</i> filed by The Commonwealth of Massachusetts, The Massachusetts Department of Environmental Protection, The Commonwealth of Massachusetts, The Massachusetts Department of Environmental Protection, Mitt Romney, Mitt Romney, Robert W. Golledge, Jr, Robert W. Golledge, Jr. (Chorover, Nora) (Entered: 07/12/2005)
07/12/2005	<u>37</u>	DECLARATION of Richard Packard in Opposition re <u>23</u> MOTION for Summary Judgment <i>on Defendants' Counterclaim and in Support of State Defendants' Motion for Summary Judgment on Their Counterclaim</i> filed by The Commonwealth of Massachusetts, The Massachusetts Department of Environmental Protection, The Commonwealth of Massachusetts, The Massachusetts Department of Environmental Protection, Mitt Romney, Mitt Romney, Robert W. Golledge, Jr, Robert W. Golledge, Jr. (Chorover, Nora) Modified on 7/13/2005 (Abaid, Kim). (Entered: 07/12/2005)
07/12/2005	<u>38</u>	RESPONSE to <u>26</u> Statement of Material Facts filed by The Commonwealth of Massachusetts, The Massachusetts Department of Environmental Protection, The Commonwealth of Massachusetts, The Massachusetts Department of Environmental Protection, Mitt Romney, Mitt Romney, Robert W. Golledge, Jr, Robert W. Golledge, Jr. (Chorover, Nora) Modified on 7/13/2005 (Abaid, Kim). (Entered: 07/12/2005)
07/12/2005	<u>39</u>	Cross MOTION for Summary Judgment <i>On Intervenor Defendant's Counter-Claim</i> by Coalition For Buzzards Bay. (Ettinger, Jonathan) (Entered: 07/12/2005)
07/12/2005	<u>40</u>	MEMORANDUM in Opposition re <u>23</u> MOTION for Summary Judgment <i>on Defendants' Counterclaim And In Support Of Its Cross-Motion For Summary Judgment</i> filed by Coalition For Buzzards Bay. (Ettinger, Jonathan) (Entered: 07/12/2005)

07/12/2005	<u>41</u>	Response by Coalition For Buzzards Bay to <u>26</u> Statement of facts <i>And Statement Of Additional Material Facts</i> . (Ettinger, Jonathan) (Entered: 07/12/2005)
07/12/2005	<u>42</u>	AFFIDAVIT in Support re <u>39</u> Cross MOTION for Summary Judgment <i>On Intervenor Defendant's Counter-Claim</i> , <u>40</u> Memorandum in Opposition to Motion . (Attachments: # <u>1</u> Exhibit A (part 1 of 4)# <u>2</u> Exhibit A (part 2 of 4)# <u>3</u> Exhibit A (part 3 of 4)# <u>4</u> Exhibit A (part 4 of 4)# <u>5</u> Exhibit B and C# <u>6</u> Exhibit D (part 1 of 2)# <u>7</u> Exhibit D (part 2 of 2)# <u>8</u> Exhibit E through I)(Ettinger, Jonathan) (Entered: 07/12/2005)
07/13/2005		Notice of correction to docket made by Court staff. Correction: Docket Entries 37 and 38 corrected because: Changed docket entry to reflect title of actual document filed. (Abaid, Kim) (Entered: 07/13/2005)
07/15/2005	<u>43</u>	MEMORANDUM in Opposition re <u>22</u> MOTION for Judgment on the Pleadings, <u>29</u> MOTION for Judgment on the Pleadings filed by The Commonwealth of Massachusetts. (Cray, Pierce) (Entered: 07/15/2005)
07/15/2005	<u>44</u>	MOTION for Leave to File a Memorandum of Law as Amicus Curiae by Save the Bay. (Attachments: # <u>1</u> Proposed Memorandum)(Abaid, Kim) (Entered: 07/15/2005)
07/15/2005	<u>45</u>	MEMORANDUM in Opposition re <u>22</u> MOTION for Judgment on the Pleadings, <u>29</u> MOTION for Judgment on the Pleadings filed by Coalition For Buzzards Bay. (Ettinger, Jonathan) (Entered: 07/15/2005)
07/22/2005	<u>46</u>	MOTION for Leave to File <i>to File Memorandum in Opposition to Plaintiffs' Motion for Judgment on the Pleadings, Seeking Leave to File Brief in Support of Defendants</i> by Amici Curiae.(Beauregard, Philip) (Entered: 07/22/2005)
07/22/2005	<u>47</u>	MEMORANDUM in Support re <u>46</u> MOTION for Leave to File <i>to File Memorandum in Opposition to Plaintiffs' Motion for Judgment on the Pleadings, Seeking Leave to File Brief in Support of Defendants</i> filed by Amici Curiae. (Beauregard, Philip) (Entered: 07/22/2005)
07/26/2005	<u>48</u>	Opposition re <u>39</u> Cross MOTION for Summary Judgment <i>On Intervenor Defendant's Counter-Claim</i> , <u>34</u> Cross MOTION for Summary Judgment <i>on State Defendants' Counterclaim</i> filed

		by United States of America. (Attachments: # <u>1</u> Declaration of Stefan Venckus)(Bressler, Steven) (Entered: 07/26/2005)
07/26/2005	<u>49</u>	STATEMENT OF COUNSEL re <u>38</u> Addendum to Motion/Memorandum,, <u>41</u> Response and <i>LR 56.1 Statement</i> by United States of America. (Bressler, Steven) (Entered: 07/26/2005)
08/05/2005	<u>50</u>	Assented to MOTION for Leave to File <i>Reply Memorandum</i> by United States of America. (Attachments: # <u>1</u> Proposed Reply Memorandum in Further Support of the United States' Motion for Judgment on the Pleadings)(Bressler, Steven) (Entered: 08/05/2005)
08/05/2005	<u>51</u>	Assented to MOTION for Leave to File <i>Reply Memorandum</i> by American Waterways Operators International Association of Independent Tanker Owners, BIMCO, Chamber of Shipping of America. (Attachments: # <u>1</u> 1. Proposed Reply Memorandum)(Skelly, George) (Entered: 08/05/2005)
08/26/2005	<u>52</u>	Assented to MOTION for Permission to File Two Surreply Memoranda re <u>48</u> Opposition to Motion,, <u>50</u> Assented to MOTION for Leave to File <i>Reply Memorandum</i> by The Commonwealth of Massachusetts, The Massachusetts Department of Environmental Protection, The Commonwealth of Massachusetts, The Massachusetts Department of Environmental Protection, Mitt Romney, Mitt Romney, Robert W. Golledge, Jr, Robert W. Golledge, Jr. (Attachments: # <u>1</u> Surreply in Opposition to Motion to Dismiss# 2 Summary Judgment Surreply Memoranda)(Chorover, Nora) Additional attachment(s) added on 8/29/2005 (Abaid, Kim). (Entered: 08/26/2005)
08/26/2005	<u>53</u>	Assented to MOTION for Leave to File <i>Surreply And Reply Memoranda</i> by Coalition For Buzzards Bay.(Ettinger, Jonathan) (Entered: 08/26/2005)
08/26/2005	<u>54</u>	Proposed SUR-REPLY to Motion re <u>22</u> MOTION for Judgment on the Pleadings, <u>29</u> MOTION for Judgment on the Pleadings filed by Coalition For Buzzards Bay. (Ettinger, Jonathan) (Entered: 08/26/2005)
08/26/2005	<u>55</u>	Proposed REPLY to Response to Motion re <u>39</u> Cross MOTION for Summary Judgment <i>On Intervenor Defendant's Counter-Claim</i> , <u>23</u> MOTION for Summary Judgment <i>on Defendants' Counterclaim</i> filed by Coalition For Buzzards

		Bay. (Ettinger, Jonathan) (Entered: 08/26/2005)
08/29/2005	●	Judge Joseph L. Tauro : Electronic ORDER entered granting <u>50</u> Motion for Leave to File, granting <u>51</u> Motion for Leave to File (Lovett, Zita) (Entered: 08/29/2005)
08/29/2005	●	Notice of correction to docket made by Court staff. Correction: Docket Entry 52 corrected because: Added a signed version of the motion to the docket entry .(Abaid, Kim) (Entered: 08/29/2005)
08/30/2005	●56	SUR-REPLY to Motion re <u>23</u> MOTION for Summary Judgment <i>on Defendants' Counterclaim</i> filed by The Commonwealth of Massachusetts, The Massachusetts Department of Environmental Protection, The Commonwealth of Massachusetts, The Massachusetts Department of Environmental Protection, Mitt Romney, Mitt Romney, Robert W. Golledge, Jr, Robert W. Golledge, Jr. (Chorover, Nora) (Entered: 08/30/2005)
08/30/2005	●57	SUR-REPLY to Motion re <u>22</u> MOTION for Judgment on the Pleadings, <u>29</u> MOTION for Judgment on the Pleadings filed by The Commonwealth of Massachusetts, The Massachusetts Department of Environmental Protection, The Commonwealth of Massachusetts, The Massachusetts Department of Environmental Protection, Mitt Romney, Mitt Romney, Robert W. Golledge, Jr, Robert W. Golledge, Jr. (Chorover, Nora) (Entered: 08/30/2005)
09/01/2005	●	Judge Joseph L. Tauro : Electronic ORDER entered granting <u>53</u> Motion for Leave to File (Lovett, Zita) (Entered: 09/01/2005)
09/01/2005	●58	SUR-REPLY to Motion re <u>22</u> MOTION for Judgment on the Pleadings, <u>29</u> MOTION for Judgment on the Pleadings filed by Coalition For Buzzards Bay. (Ettinger, Jonathan) (Entered: 09/01/2005)
09/01/2005	●59	REPLY to Response to Motion re <u>39</u> Cross MOTION for Summary Judgment <i>On Intervenor Defendant's Counter-Claim</i> , <u>23</u> MOTION for Summary Judgment <i>on Defendants' Counterclaim</i> filed by Coalition For Buzzards Bay. (Ettinger, Jonathan) (Entered: 09/01/2005)
09/06/2005	●60	REPLY to Response to Motion re <u>22</u> MOTION for Judgment on the Pleadings filed by United States of America. (Bressler,

		Steven) (Entered: 09/06/2005)
09/06/2005	61	REPLY to Response to Motion re 29 MOTION for Judgment on the Pleadings filed by American Waterways Operators International Association of Independent Tanker Owners, BIMCO, Chamber of Shipping of America. (Skelly, George) (Entered: 09/06/2005)
10/07/2005	62	NOTICE by United States of America re 34 Cross MOTION for Summary Judgment <i>on State Defendants' Counterclaim</i> , 23 MOTION for Summary Judgment <i>on Defendants' Counterclaim</i> , 39 Cross MOTION for Summary Judgment <i>On Intervenor Defendant's Counter-Claim of Public Record</i> (Attachments: # 1 Department of Homeland Security Executive Order 12866 Submissions Under Review by the Executive Office of Management and Budget, Office of Information and Regulatory Affairs, as of October 7, 2005) (Bressler, Steven) (Entered: 10/07/2005)
10/12/2005		Judge Joseph L. Tauro : ElectronicORDER entered finding as moot 44 Motion for Leave to File, finding as moot 46 Motion for Leave to File, finding as moot 52 Motion leave (Lovett, Zita) (Entered: 10/12/2005)
12/22/2005	63	NOTICE by United States of America re 34 Cross MOTION for Summary Judgment <i>on State Defendants' Counterclaim</i> , 23 MOTION for Summary Judgment <i>on Defendants' Counterclaim</i> , 39 Cross MOTION for Summary Judgment <i>On Intervenor Defendant's Counter-Claim</i> (Attachments: # 1 75 Fed. Reg. 75954 (December 22, 2005) ("Marine Casualties and Investigations; Chemical Testing Following Serious Marine Incidents"))(Bressler, Steven) (Entered: 12/22/2005)
01/12/2006	64	STIPULATION of Dismissal of <i>Counterclaim</i> by The Commonwealth of Massachusetts, The Massachusetts Department of Environmental Protection, Mitt Romney, Robert W. Golledge, Jr, United States Coast Guard, Coalition For Buzzards Bay, United States Department of Homeland Security. (Chorover, Nora) (Entered: 01/12/2006)
01/15/2006		Judge Joseph L. Tauro : Electronic ORDER entered. ELECTRONIC ENDORSEMENT re 64 Stipulation of Dismissal of Counterclaim is ALLOWED.(Abaid, Kim) (Entered: 01/17/2006)
01/15/2006		Judge Joseph L. Tauro : Electronic ORDER entered denying as

		moot <u>23</u> Motion for Summary Judgment, denying as moot <u>34</u> Motion for Summary Judgment, denying as moot <u>39</u> Motion for Summary Judgment (Abaid, Kim) (Entered: 01/17/2006)
01/18/2006	● <u>65</u>	AMICI CURIAE Memorandum in Support of <u>43</u> Memorandum in Opposition to the Motion for Judgment on the Pleadings filed by Save the Bay. (Abaid, Kim) (Entered: 01/18/2006)
01/23/2006	●	Judge Joseph L. Tauro : Electronic ORDER entered <u>22</u> Motion for Judgment on the Pleadings and <u>29</u> Motion for Judgment on the Pleadings are DENIED WITHOUT PREJUDICE. (Abaid, Kim) (Entered: 01/23/2006)
01/23/2006	●	NOTICE of CONFERENCE re STATUS :CONFERENCE set for 2/9/2006 11:30 AM in Courtroom 20 before Judge Joseph L. Tauro. (Lovett, Zita) (Entered: 01/23/2006)
01/23/2006	● <u>66</u>	NOTICE of Scheduling Conference Scheduling Conference set for 2/9/2006 11:30 AM in Courtroom 20 before Judge Joseph L. Tauro. (Abaid, Kim) (Entered: 01/24/2006)
01/23/2006	● <u>67</u>	Judge Joseph L. Tauro : RULE 26 DISCOVERY ORDER entered. (Abaid, Kim) (Entered: 01/24/2006)
01/30/2006	●	ELECTRONIC Notice Resetting or Cancelling Hearing. Conference rescheduled for 2/16/2006 AT 2:15P.M. (PREVIOUSLY SCHEDULED FOR 2/9/2006), filings shall now be due 2/13/2006. (Lovett, Zita) (Entered: 01/30/2006)
02/08/2006	● <u>68</u>	Assented to MOTION for Leave to Appear Pro Hac Vice by C. Jonathan Benner by American Waterways Operators International Association of Independent Tanker Owners. (Attachments: # <u>1</u> Exhibit A -- Benner Declaration)(Hachey, Andrew) (Entered: 02/08/2006)
02/08/2006	● <u>69</u>	Assented to MOTION for Leave to Appear Pro Hac Vice by Sean T. Connaughton by American Waterways Operators International Association of Independent Tanker Owners. (Attachments: # <u>1</u> Exhibit A - Connaughton Declaration) (Hachey, Andrew) (Entered: 02/08/2006)
02/09/2006	●	Filing fee: \$ 100.00, receipt number 70201 regarding <u>68</u> Motion to Appear Pro Hac Vice and <u>69</u> Motion to Appear Pro Hac Vice (Abaid, Kim) (Entered: 02/09/2006)
02/09/2006	●	Judge Joseph L. Tauro : Electronic ORDER entered granting

		68 Motion for Leave to Appear Pro Hac Vice Added C. Jonathan Benner for American Waterways Operators International Association of Independent Tanker Owners and BIMCO, granting 69 Motion for Leave to Appear Pro Hac Vice Added Sean T. Connaughton for American Waterways Operators International Association of Independent Tanker Owners and BIMCO (Abaid, Kim) (Entered: 02/09/2006)
02/13/2006	70	Disclosure pursuant to Rule 26 by Coalition For Buzzards Bay. (Ettinger, Jonathan) (Entered: 02/13/2006)
02/13/2006	71	JOINT STATEMENT re scheduling conference. (Attachments: # 1 Plaintiff's L.R. 16.1 Certification# 2 Defendants' L.R. 16.1 Certification# 3 Intervenor-Plaintiffs' L.R. 16.1 Certification# 4 Intervenor-Defendant's L.R. 16.1 Certification)(Bressler, Steven) (Entered: 02/13/2006)
02/13/2006	72	NOTICE by The Commonwealth of Massachusetts, Coalition For Buzzards Bay, The Massachusetts Department of Environmental Protection, Mitt Romney, Robert W. Golledge, Jr <i>Defendants' List of Individuals They Wish to Depose</i> (Ettinger, Jonathan) (Entered: 02/13/2006)
03/15/2006		ELECTRONICNOTICE of Hearing on Motions Motion Hearing set for 3/30/2006 11:30 AM in Courtroom 20 before Judge Joseph L. Tauro. (Lovett, Zita) (Entered: 03/15/2006)
03/30/2006		Notice of correction to docket made by Court staff. 3/30/2006: Motion hearing held: motions under advisement;Court reporter, Jim Gibbons. (Lovett, Zita) (Entered: 05/16/2006)
05/12/2006	73	MOTION to Withdraw as Attorney by The Commonwealth of Massachusetts, Mitt Romney, Robert W. Golledge, Jr.(Abaid, Kim) (Entered: 05/15/2006)
05/16/2006		E-Mail Notice returned as undeliverable. Name of Addressee: Nora Chorover. The ECF Help Desk has contacted the Attorney General's office, who advised that this attorney is no longer employed by that office. The attorney's email address has been removed from the ECF database to prevent the return of additional undeliverable email notices. (Hurley, Virginia) (Entered: 05/16/2006)
05/16/2006		Judge Joseph L. Tauro : Electronic ORDER entered granting 73 Motion to Withdraw as Attorney. (Abaid, Kim) (Entered: 05/17/2006)

07/24/2006	<u>74</u>	Judge Joseph L. Tauro : ORDER entered. <u>22</u> Plaintiff's Motion for Judgment on the Pleadings is ALLOWED. <u>29</u> Intervenor-Plaintiffs' Motion for Judgment on the Pleadings is ALLOWED.(Abaid, Kim) (Entered: 07/24/2006)
07/24/2006	<u>75</u>	Judge Joseph L. Tauro : ORDER entered - MEMORANDUM. (Abaid, Kim) (Entered: 07/24/2006)
07/24/2006	•	Civil Case Terminated. (Abaid, Kim) (Entered: 07/24/2006)
07/31/2006	<u>76</u>	Letter re: <u>74</u> Order. (Abaid, Kim) (Entered: 08/01/2006)
09/07/2006	<u>77</u>	NOTICE OF APPEAL by The Commonwealth of Massachusetts. \$ 455 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 9/27/2006. (Cray, Pierce) (Entered: 09/07/2006)
09/07/2006	<u>78</u>	NOTICE OF APPEAL by Coalition For Buzzards Bay. \$ 455 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 9/27/2006. (Attachments: # <u>1</u> Certificate of Service)(Ettinger, Jonathan) (Entered: 09/07/2006)
09/08/2006	•	Filing fee: \$ 455.00, receipt number 74871 for <u>77</u> Notice of Appeal, (Abaid, Kim) (Entered: 09/12/2006)
09/11/2006	•	Filing fee: \$ 455.00, receipt number 74941 for <u>78</u> Notice of Appeal (Abaid, Kim) Modified on 9/12/2006 (Abaid, Kim). (Entered: 09/12/2006)
09/18/2006	<u>79</u>	NOTICE by The Commonwealth of Massachusetts, Coalition For Buzzards Bay re <u>78</u> Notice of Appeal,, <u>77</u> Notice of Appeal, <i>Joint Notice Regarding Transcript And Statement Of Issues To Be Presented On Appeal</i> (Attachments: # <u>1</u> Exhibit 1)(Ettinger, Jonathan) (Entered: 09/18/2006)
09/18/2006	<u>80</u>	CERTIFICATE OF SERVICE by Coalition For Buzzards Bay re <u>79</u> Notice (Other), Notice (Other). (Ettinger, Jonathan) (Entered: 09/18/2006)
09/18/2006	<u>81</u>	JOINT NOTICE re: Transcript and Statement of Issues to be

		presented on appeal by The Commonwealth of Massachusetts, Coalition For Buzzards Bay, The Massachusetts Department of Environmental Protection, Mitt Romney, Robert W. Golledge, Jr (Abaid, Kim) Modified on 9/19/2006 (Abaid, Kim). *** Please note this is a duplicate of entry 79. *** (Entered: 09/18/2006)
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